Department of Veterans Affairs

Memorandum

Date: July 26, 2016

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation - Alleged Prohibited Personnel Practices,

Veterans Health Administration (VHA), Wm. Jennings Bryan Dorn VA Medical

Center, Columbia, SC – Report No. 15-00749-338 (2015-00749-IQ-0006)

To: Director, VA Southeast Network

Purpose

On November 4, 2014, VA	OIG Administrative Investig	gations Division received an
allegation that Mr. Timothy M	McMurry, Wm. Jennings Bry	an Dorn VA Medical Center
Director, engaged in prohibite	ed personnel practices whe	n he transferred
,	, from the Iowa City VA He	ealth Care System, Iowa City,
IA, into an	position at the medical cente	r. Mr. McMurry also allegedly
transferred Ms. , a	VA employee and Mr.	spouse, into a
position, after first transferring	the incumbent into another p	osition.

Objective, Scope, and Methodology

To assess these allegations, we interviewed Mr. McMurry; Mr. (b)(
Mr. McMurry; Mr. McMurry; Mr. McMurry; Ms. (b)(
Mr. McMurry; Mr. McMurry; Ms. (c);
Ms. M

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Federal law states:

Federal personnel management should be implemented consistent with the following merit system principles: Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. 5 USC § 2301(b)(1).

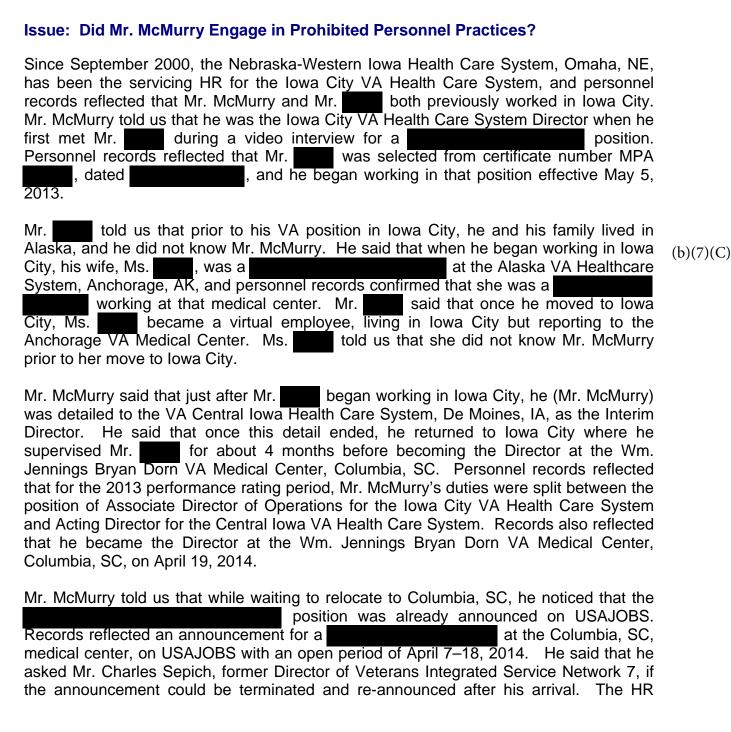
Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of

improving or injuring the prospects of any particular person for employment. 5 USC § 2302(b)(6).

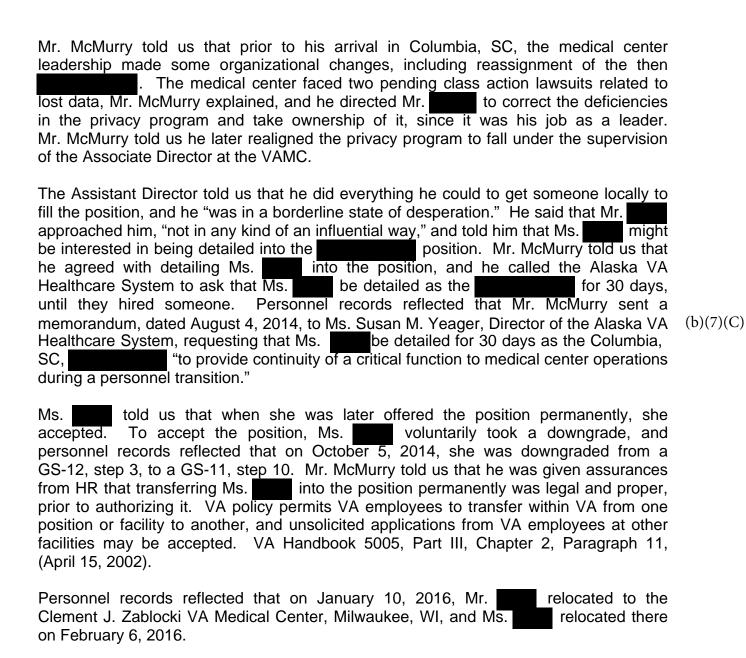
Federal Regulations state:

Employees shall act impartially and not give preferential treatment to any private organization or individual. 5 CFR § 2635.101(b)(8).

Results



Chief told us that the announcement was cancelled, and since the worked for the Medical Center Director, and a permanent director was not in place, they felt it was better that the new Medical Center Director make the selection. Mr. McMurry said that he did not have anyone in mind for the position or know who may be interested, but he said that he wanted to make the selection himself to ensure the candidate had the needed skill sets. The position was posted to USAJOBS from May 2 to May 15, 2014. The position was open to all current VA permanent employees. Mr. told us that while his wife was looking for a non-virtual position within VA she saw the position advertised and told him about it. Mr. McMurry said that Mr. contacted him and expressed an interest in the position, and he (Mr. McMurry) told him that he could apply for any available position for which he qualified. Mr. McMurry told us that he had no further conversations with Mr. about that or any other position. Mr. said that he enjoyed working under Mr. McMurry's supervision for the 4-month period in Iowa City, IA, and this vacancy presented an opportunity to work with Mr. McMurry once again. Mr. McMurry told us that after his arrival in Columbia, SC, he conducted an assessment of the needed attributes for the position and determined the position needed specific skill sets in order to be successful and meet the needs of the executive position and determined the position (b)(7)(C)office staff. The skills included knowledge and experience of hospital operations, hospital clinical programs, physician management and communications, labor relations with unions and bargaining unit employees, and leadership experience as a supervisor over large programs. Hiring documents reflected that a total of 21 applicants were on the non-competitive certificate dated May 20, 2014, to include Mr. . Mr. McMurry said he scored the applicants based on their experience and the above cited criteria. He also said that while some applicants scored well in many of the categories, Mr. scored high in all of them. He said that he submitted the score sheets to the former (retired) HR Chief, and told the Chief he wanted to hire Mr. based on his review of all the resumes. Mr. McMurry told us that he asked the Chief if he could make a direct selection, and she said that based on VA policy and his demonstration to consider all applicants' qualifications, he could. The selection of Mr. was made from the Non-Competitive Candidate Referral List. Mr. McMurry said that he also learned that Mr. had family in the Charleston, SC, area, which was his motivation to apply for and accept the position. Mr. that he lived in Alaska for a long time and he and his wife wanted to move to a warmer climate and wanted to be closer to family in Columbia, SC. Mr. McMurry told us that the first time he met Ms. was in Iowa City right before he relocated to Columbia, SC. He said that he and Mr. were at a volunteer appreciation day event when Mr. introduced him to Ms. Mr. relocated to Columbia, SC, Ms. moved with . He said that when moved with him, but she was still a virtual employee for the Alaska VA Healthcare System.



Conclusion

We did not substantiate that Mr. McMurry engaged in a prohibited personnel practice when he hired Mr. as his as hi

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Investigations

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